



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

February 26, 2014

**BY HAND**

The Honorable Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Chambers 2240  
New York, New York 10007

**Re: United States v. Abu Ghayth  
S14 98 Cr. 1023 (LAK)**

Dear Judge Kaplan:

We write regarding the defendant's request for an adjournment of the Court's deadline to file a motion for a deposition of Khalid Sheikh Mohammed ("Mohammed"), pursuant to Federal Rule of Criminal Procedure 15.

We understand that Abu Ghayth's counsel submitted hundreds of questions to Mohammed, which have generated approximately 15 pages of response. We had expected to be able to convey by this morning our position to the Court as to the defendant's request for an adjournment of his Rule 15 motion deadline. This expectation was based on defense counsel's assertion that Mohammed's answers to the questions would, by now, have been presented to the appropriate walled-off U.S. Government personnel for the agreed-upon review.

However, as of today at 12:30 p.m., we understand that those responses, which remain in the possession of Mohammed's counsel, have not been provided.<sup>1</sup> As a result, it is not yet possible to estimate reliably the length of time it will take for a review of those answers, so that cleared responses can be presented to defense counsel.

---


<sup>1</sup> Mohammed's counsel opted not to provide Mohammed's answers to the appropriate Government personnel on a rolling basis.

Honorable Lewis A. Kaplan  
February 26, 2014  
Page 2 of 2

Once Mohammed's answers are provided—and we have been told by defense counsel they will be provided today—the Government will receive an estimate as to the anticipated duration of the review. The undersigned will then promptly convey to the Court whether the Government consents to an adjournment of the defendant's Rule 15 deadline.

Respectfully submitted,

PREET BHARARA  
United States Attorney  
Southern District of New York

By:   
John P. Cronan  
Nicholas J. Lewin  
Michael Ferrara  
Assistant United States Attorneys  
Tels.: 212-637-2779 / -2337 / -2526

cc: Stanley L. Cohen, Esq.  
*By electronic mail*